



Order Filed on September 14, 2020

by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

DENISE CARLON, ESQUIRE
KML LAW GROUP, P.C.
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Attorneys for Secured Creditor
VAK Capital, LLC

In Re:

Winsome Jenkinson,
Debtor.

Case No.: 19-27551 JKS
Adv. No.:
Hearing Date: 7/23/2020 @ 8:30 a.m.
Judge: John K. Sherwood

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

**DATED: September 14,
2020**

Honorable John K. Sherwood
United States Bankruptcy Court

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Debtors: Winsome Jenkinson

Case No.: 19-27551 JKS

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor VAK Capital, LLC, holder of a mortgage on real property located at 1026 E 24th St. #1028, Paterson, NJ 07513, Denise Carlon appearing, by way of objection to the confirmation of Debtors' Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Jared A. Geist, Esquire, attorney for Debtor, Winsome Jenkinson, and for good cause having been shown;

It **ORDERED, ADJUDGED and DECREED** Secured Creditor's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.

It is **FURTHER ORDERED, ADJUDGED and DECREED** The avoidance of Secured Creditor's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.

It is **FURTHER ORDERED, ADJUDGED and DECREED** Secured Creditor shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

It is **FURTHER ORDERED, ADJUDGED and DECREED** Each party shall bear their own attorney's fees and costs incurred in the present case number.

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that the property is destroyed or damaged, pursuant to the mortgage, Secured Creditor is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 plan, Secured Creditor's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

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Debtors:

Winsome Jenkinson

Case No.:

19-27551 JKS

Caption:

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

It is **FURTHER ORDERED, ADJUDGED and DECREED** Secured Creditor shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New JerseyIn re:
Winsome Jenkinson
DebtorCase No. 19-27551-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 15, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 17, 2020.

db +Winsome Jenkinson, 1026 E 24th St. #1028, Paterson, NJ 07513-1628

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 17, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2020 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2005-3, Asset-Backed Certificates, Series 2005-3 bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Andrew M. Lubin on behalf of Creditor Select Portfolio Servicing, Inc. as servicing agent for Deutsche Bank National Trust Company bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Brian C. Nicholas on behalf of Creditor VAK Capital, LLC bnicholas@kmllawgroup.com, bkgroup@kmllawgroup.com

Denise E. Carlon on behalf of Creditor VAK Capital, LLC dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Jared A. Geist on behalf of Debtor Winsome Jenkinson jared@geistlegal.com, jrodriguez@garcesgrabler.com

Marie-Ann Greenberg magecf@magnettrustee.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7